

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GLENN MAYER, JR. <i>Plaintiff,</i> v. CUYAHOGA COUNTY, ET AL. <i>Defendants.</i>	Case No. 19-cv-02620 Judge John R. Adams
PLAINTIFF'S NOTICE OF WITHDRAWAL OF SUBPOENA	

Plaintiff Glenn Mayer, Jr. respectfully gives notice that he has withdrawn his subpoena to the records custodian for the Ohio Attorney General's Office pending the Court's authorization to begin formal discovery following the case-management conference.

In late October, Mr. Mayer learned that the Ohio Attorney General's Office had seized what it described as "bootleg" videos of use-of-force incidents at the Cuyahoga County jail. Investigators seized the videos while executing a search warrant at the home of corrections officer Idris-Farid Clark. Mr. Clark is currently under indictment for felonious assault, interfering with civil rights, and unlawful restraint of a female inmate as well as for an extortion and witness-intimidation scheme he was pursuing to blackmail other corrections officers to offer favorable testimony. Mr. Clark is accused of using the "bootleg" videos in the extortion scheme to leverage his co-workers' cooperation, threatening to release videos of them engaged in acts of violence if they didn't accede to his demands.

On October 25, 2019, while this matter was pending in the Cuyahoga County Court of Common Pleas, Mr. Mayer issued a subpoena for the seized videos, which are public records under state law. Defendants Cuyahoga County and Dariell Hayes subsequently removed the matter to this Court.

During a criminal trial in September over another inmate beating at the Cuyahoga County jail, an FBI agent testified that he discovered that certain unspecified videos had been deleted from the jail's server. The Ohio Attorney General's Office has acknowledged in public filings that corrections officers have tampered with or removed videos from the jail's server.

Defendant Cuyahoga County has denied having video footage of the incident that is the subject of this lawsuit where Defendant Hayes attacked Mr. Mayer while he was receiving medication from a jail nurse. Given the sheer number of cameras present in the jail, the lack of video of this attack is highly suspicious and suggests potential spoliation concerns. Mr. Mayer's suspicions are further heightened by the County's failure to respond to his repeated requests for confirmation that an appropriate litigation hold has been implemented.

Mr. Mayer believes that video of his attack could be included among the videos seized from Defendant Clark, which would help him prove his claims in this case. Videos depicting the extreme and brutal violence inflicted on others in custody are directly relevant to Mr. Mayer's *Monell* claims against Defendant Cuyahoga County, which require him to show that an unconstitutional custom, policy, pattern, or practice led to his injuries. The jail videos seized from Mr. Clark are crucial evidence for Mr. Mayer as he seeks to vindicate the civil-rights abuses he suffered while held at the Cuyahoga County jail. There is no excuse to deny him this evidence.

While the case was pending below, the Ohio Attorney General's Office moved to quash the subpoena and sought to intervene in Mr. Mayer's civil-rights case to stay proceedings, claiming that this standard civil-discovery request would interfere in some unspecified way with a criminal investigation. Mr. Mayer disputes that assertion. He will reissue his subpoena once the Court authorizes formal discovery in this matter following the case-management conference.

Dated: November 19, 2019

Respectfully submitted,

THE CHANDRA LAW FIRM LLC

/s/ Ashlie Case Sletvold

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CERTIFICATE OF SERVICE

I certify that in addition to filing the above document using the Clerk's ECF system, our office sent a copy by e-mail to counsel for the Ohio Attorney General's Office:

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One of the attorneys for Plaintiff